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association with a portrait of the individual or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years next preceding the passage of this Act."

Marks with portraits, etc.

Marks in use ten years permitted.

SEC. 2. That section six of said Act be, and the same is hereby, amended to read as follows:

"SEC. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this Act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this Act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section two of this Act. An opposition may be filed by a duly authorized attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing. If no notice of opposition is filed within said time, the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor."

Examination and publication.
R. S., sec. 4940, p. 956.

Opposition notice may be filed by attorney.
Vol. 33, p. 726, amended.

Notice of refusal.

Approved, March 2, 1907.

March 2, 1907.
[H. R. 25630.]
[Public, No. 233.]

CHAP. 2574.—An Act To amend an Act entitled "An Act to amend section one of an Act entitled 'An Act relating to the Metropolitan police of the District of Columbia,' approved February twenty-eighth, nineteen hundred and one," approved June eighth, nineteen hundred and six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph two of the Act entitled "An Act to amend section one of an Act entitled 'An Act relating to the Metropolitan police of the District of Columbia,' approved February twenty-eighth, nineteen hundred and one," approved June eighth, nineteen hundred and six, is hereby amended by adding thereto the following:

District of Columbia. Metropolitan police.
Vol. 31, p. 819.
Ante, p. 221, amended.

"Should the number of privates of class two or class three be reduced at any time by reason of riot, fire, flood, pestilence, or other similar catastrophe, any vacancy thus created in class three shall be filled by the promotion of privates from class two who in the order of their length of service in the force have nearest attained the five years' term of service required by Act of Congress approved June eighth, nineteen hundred and six, provided their conduct and intelligent attention to duty shall justify such promotion: *Provided*, That any vacancy thus created in class two shall be filled by the promotion of privates from class one who in the order of their length of service in the force

Vacancies.
Promotion of privates.
Vacancies in class three.

Proviso.
Vacancies in class two.

shall have nearest attained the three years' term of service required by said Act of June eighth, nineteen hundred and six, provided their conduct and intelligent attention to duty shall justify such promotion.

Filling vacancies by appointment.

"Should a vacancy occur at any time in the grade of private of class two or class three by reason of death, removal, or resignation of any private in class two or class three, and should there be no private of class one or class two, as the case may be, eligible for promotion by length of service as required by the Act of Congress approved June eighth, nineteen hundred and six, to amend section one of an Act entitled 'An Act relating to the Metropolitan police of the District of Columbia,' then, and in that case, the Commissioners of the District of Columbia are authorized to appoint to class one such number of privates, not to exceed ten, as may be necessary to maintain the full complement of the force as allowed by the law making appropriations for the support of the Metropolitan police department of the District of Columbia," and any unexpended balance of the appropriation providing for salaries of members of class two or three during the fiscal year in which said appointments are made, is hereby made available for the payment of the salaries of the additional privates of class one provided for herein.

Limit.

Unexpended balance available.

Approved, March 2, 1907.

CHAP. 2575.—An Act To provide for an additional district judge for the northern district of California.

March 2, 1907.
[H. R. 25692.]
[Public, No. 234.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges.

California judicial district.
Additional judge appointed for northern district.
R. S. sec. 551, p. 93.

SEC. 2. That the senior circuit judge of the ninth circuit, or any circuit judge within the State of California, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

Division of business.

Approved, March 2, 1907.

CHAP. 2576.—An Act To authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

March 2, 1907.
[H. R. 25738.]
[Public, No. 235.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cairo and Tennessee River Railroad Company, a corporation organized under the laws of the States of Tennessee and Kentucky, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Tennessee River, between Brandon's mill, in Calloway County, and Birmingham, Marshall County, in the State of Kentucky, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Tennessee River, Ky.
Cairo and Tennessee River Railroad Company may bridge.

Location.

Ante, p. 84.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 3. That the Act of Congress approved March ninth, nineteen hundred and six, entitled "An Act to authorize the Cairo and Tennessee Railroad Company to construct a bridge across the Tennessee River," is hereby repealed.

Former act repealed.
Ante, p. 56.

Approved, March 2, 1907.